IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 308 of 2005

Between:

Chevuru Srinivasulu S/o.Venkatasubbaiah, Hindu, OCC

Agriculturist.
R/o Bathulapallipadu(V), Podalakur (M),
Nellore Dist.

... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Joint Collector, Nellore, Nellore District.
3 The Revenue Divisional Officer, Nellore, Nellore District.
4 The Mandal Revenue Officer, Nellore (M) , Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of mandamus declaring the proceedings in Rc.No.2882(CJFS)/2004 dt 28-8-2004 resuming the lands by evicting the petitioner from Sy.No.275/2,Sy.Nos.275/6 to 275/9 of Gollakandukuru village, Nellore Mandal, Nellore Dist, in an extent of Ac.4.76 cents of dry land is illegal, arbitrary, malafidy and violation of principles of natural justice and consequentially set-aside the same in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: G P FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings in Rc.No.2882 (CJFS)/2004 dated 28-08-2004 resuming the lands by evicting the petitioner from Sy.No.275/2, Sy.Nos.275/6 to 275/9 of Gollakandukuru Village, Nellore Mandal, Nellore District, in an extent of Ac.4.76 cents of dry land, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent, the writ petition is being disposed of at the admission stage.

3 In this writ petition, petitioner is challenging the order dated 28-08-2004 passed by the third respondent in R.C.No.2882 (CJFS)/ 2004 in respect of Ac.4.76 cents of dry land of the petitioner comprised in Sy.No.275/2, Sy.Nos.275/6 to 275/9 of Gollakandukuru Village, Nellore Mandal, Nellore District. It is submitted that against the orders passed by the third respondent, petitioner already preferred an appeal before the second respondent, Joint Collector, on 14-12-2004 and also filed an application seeking stay of the operation of the Proceedings in Rc.No.2882 (CJFS)/2004 dated
28-08-2004, which is pending on the file of the second respondent and the second respondent neither disposed of the appeal nor passed any orders on the interlocutory application.

4. Under those circumstances, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the second respondent, Joint Collector to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or dispose of the appeal itself, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

_____

N. V. RAMANA, J

January 19, 2005

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The District Collector, Nellore, Nellore Dist.
2 The Joint Collector, Nellore, Nellore Dist.

3 The Revenue Divisional Officer, Nellore, Nellore Dist.

4 The Mandal Revenue Officer Nellore (M), Nellore Dist.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.